

ENTERED

April 09, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

GUSTAVO MALDONADO-OLIVARES, §
§
VS. § MISC. ACTION NO. 7:19-MC-00011
§
GEO DETENTION CENTER STAFF, ET §
AL, *et al*, §

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is a miscellaneous action initiated by Plaintiff seeking to file a civil rights complaint pursuant to 42 U.S.C. § 1983, which had been referred to the Magistrate Court for a report and recommendation. On March 11, 2021, the Magistrate Court issued the Report and Recommendation, recommending that this action be dismissed without prejudice as to all parties for want of prosecution. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that this miscellaneous action is **DISMISSED** without prejudice as to all parties.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 9th day of April, 2021.



Micaela Alvarez
United States District Judge

¹ As noted by the Fifth Circuit, “[t]he advisory committee’s note to Rule 72(b) states that, ‘[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Douglas v. United Servs. Auto. Ass’n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee’s note (1983)) superseded by statute on other grounds by 28 U.S.C. § 636(b)(1), as stated in ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).